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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,037	10/23/2003	John Kevin Liles	2003-0131	6442

7590 03/17/2005

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/692,037

Applicant(s)

LILES, JOHN KEVIN

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the second office action for U.S. Application 10/692,037 for a Wire Support and Method of Making filed by John Kevin Liles on October 23, 2003.

### ***Election/Restrictions***

Applicant's election without traverse of the species of group I, claims 1-23 in the reply filed on February 25, 2005 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims appear to be claiming the embodiment in fig. 9, but the language is not clear. It is not clear what Applicant is claiming and therefore the claim has been examined to the best extent possible.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10, 11, 15, 16, 18-21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 933,112 to Rieman. Rieman discloses a wire support with identical first and second wires (10 and 11). Each of the wires has a lower section (12 and 13), an upper section (14 and 16), and an intermediate section (between 12 and 14). The wires are twisted along the intermediate sections to form a plurality of helixes and spirally intertwined for providing an upright support, and the lower sections of the wires extend outwardly from the upright support, for insertion into the base surface to mount the wire support. Each lower section has a lower region extending generally transverse to the upright support for enabling an operator to apply a force to the lower region, and each of the lower sections terminates in a lower distal area extending generally parallel to the upright supports, for facilitating insertion of the lower section into the base surface. The upper section of the wires extends outwardly from the upright support for engaging with the object to support the object relative to the base surface and the upper section terminates in an upper distal area extending generally parallel to the upright support (the portion above 14 and 16).

Claims 1, 9, 11, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,987,582 to Williams. Williams discloses a wire support with identical first and second wires (38). Each of the wires has a lower section (39), an upper section (42), and an intermediate section (40). The wires are twisted along the intermediate sections for providing an upright support, and the lower sections of the wires extend outwardly from the upright support, for insertion into the base surface to mount the wire support. There is a minor length of an upper and a lower end of

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each of the intermediate sections of the first and second wires that has a straight portion (between 39 and 40, 40 and the bend of 42 in fig. 3). The upper section of the wires extends outwardly from the upright support for engaging with the object to support the object relative to the base surface. The upper section has a first end (at 15 and 17) and a second end (the outer meeting point of the loop) and the upper section terminates at a point lower than the first end (see fig. 4)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieman. Rieman does not disclose the specific diameters of the wire or the twist to length of the wires. However, those are each a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieman in view of U.S. Patent 6,258,420 B1 to Lehman. Rieman does not disclose a flexible material ribbon extending transversely along the intermediate section and extending between the first and second wires. Lehman discloses twisted wires with flexible material ribbons (40) extending transversely between first and second

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wires for decorative purposes. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided ribbons between the wires of the stand taught by Rieman, as taught by Lehman, for the purpose of decorating the stand.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 899,946 to Browne

U.S. Patent 5,042,183 to Kennedy

U.S. Patent 3,684,224 to Kwako

U.S. Patent 1,958,716 to Roach et al.

U.S. Patent 4,913,389 to McCracken

U.S. Patent 2,563,159 to Clark

U.S. Patent 1,344,226 to Hantsch

U.S. Patent D150,499 to Heim

U.S. Patent 948,671 to Muller

The above patents all disclose stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this

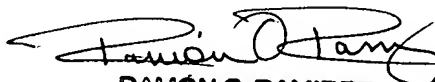
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application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven M. Marsh

March 11, 2005

  
**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**